

AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 10-26-18)

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UNITED STATES DISTRICT COURT

for the

Western District of Washington

BY

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Facebook Accounts

1) douglas.jackson.9883739 and

2) carlo.charles.568

Case No.

MJ19-243

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Facebook Accounts 1) douglas.jackson.9883739 and 2) carlo.charles.568, as more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. § 1512

Offense Description

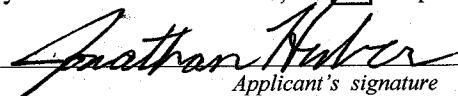
Threats against witnesses/confidential sources

The application is based on these facts:

- ☒ See Affidavit of TFO Jon Huber, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.

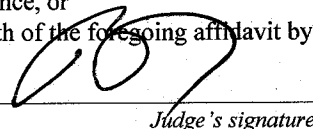

Applicant's signature

Jonathan Huber, FBI TFO

Printed name and title

- ☒ The foregoing affidavit was sworn to before me and signed in my presence, or
☐ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 06/07/2019


Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, United States Magistrate Judge

Printed name and title

ATTACHMENT A

Account/s to Be Searched

This warrant applies to information associated with the Facebook user ID **douglas.jackson.9883739** and **carlo.charles.568**, that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

a. All contact and personal identifying information, including [[for user IDs: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers, as well as any applicable group identification numbers, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.

b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

c. All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;

d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

f. All "check ins" and other location information;

g. All IP logs, including all records of the IP addresses that logged into the account;

h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";

i. All information about the Facebook pages that the account is or was a "fan" of;

j. All past and present lists of friends created by the account;

k. All records of Facebook searches performed by the account;

l. All information about the user's access and use of Facebook Marketplace;

m. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);

n. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

o. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 1512, involving Carl Justice since June 6, 2018 to date, including, for each user ID identified on Attachment A, information pertaining to the following matters:

a. Any postings, photographs, videos, communications, or other material of any type that purports to identify suspected cooperating defendants, confidential sources, or cooperating witnesses in any investigation involving the defendants charged in Western District of Washington Case Numbers CR18-131RAJ, CR18-132RAJ, CR18-144RAJ, CR18-145RAJ, CR18-147RAJ, and CR18-161RAJ.

b. Any communications involving membership in, association with, or allegiance to the “Deuce-8s” or “East Union Street Hustlers” street gangs, or any variations on those names.

c. Records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.

AFFIDAVIT

County of King)
)
 State of Washington)

Jonathan Huber, being first duly sworn on oath, deposes and says:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer (TFO) with the Federal Bureau of Investigation, and have been so deputized since 2012. I am currently employed as a Seattle Police Officer with the City of Seattle since 1996. In my capacity as a Task Force Officer, I conduct investigations of the Controlled Substance Act, that is, Title 21, United States Code, Sections 841, et seq., and related offenses. I have personally participated in hundreds of investigations, arrests, and seizures relating to the manufacture, distribution, and transportation of controlled substances, and offenses related to controlled substances violations such as money laundering. This includes investigations involving the use of informants, the use of undercover agents, the execution of search warrants, and Title III investigations.

2. I have encountered and have become familiar with various tools, methods, trends, paraphernalia and related articles utilized by various traffickers in their efforts to import, export, conceal and distribute controlled substances. I am also familiar with the manner in which drug traffickers use telephones, often cellular telephones, to conduct their unlawful operations, and how they code their conversations to disguise their unlawful activities.

3. I have participated in the debriefing of defendants, witnesses, and informants, during which time I have discussed with them their methods of drug smuggling, distribution, packaging, trafficking, avoiding law enforcement, and laundering proceeds, among other concerns related to drug trafficking. I have discussed and learned from other law enforcement investigators in regards to these matters as well.

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1 4. In addition to practical experience, I have received formal training in
2 controlled substances enforcement. This includes training regarding controlled
3 substance recognition, field testing, undercover investigations, telecommunications
4 analysis, surveillance techniques, financial investigations, and clandestine laboratories.

5 5. Lastly, I am a member of the SPD Gang Unit. In that capacity, I have
6 participated in training and gained experience in how criminal street gangs operate, their
7 structures, and how they attempt to intimidate others to prevent others from cooperating
8 with law enforcement investigations. I have also developed knowledge and expertise
9 into some of the more prominent Seattle-area street gangs, including various sets of the
10 "Black Gangster Disciples" that originated in the Central District area of Seattle.

11 **PURPOSE OF THE AFFIDAVIT**

12 6. I make this affidavit in support of two separate applications. The first is an
13 application for a search warrant for information associated with certain Facebook
14 accounts that are stored at premises owned, maintained, controlled, or operated by
15 Facebook, a social networking company headquartered in Menlo Park, California. The
16 information to be searched is described in the following paragraphs and in Attachment
17 A. This affidavit is made in support of an application for a search warrant under 18
18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to
19 the government copies of the information (including the content of communications)
20 further described in Section I of Attachment B. Upon receipt of the information
21 described in Section I of Attachment B, government-authorized persons will review that
22 information to locate the items described in Section II of Attachment B.

23 7. The pertinent Facebook accounts listed below are more particularly
24 described in Attachment A hereto:

25 <https://www.facebook.com/douglas.jackson.9883739> and

26 <https://www.facebook.com/carlo.charles.568>

27 We believe both of these Facebook pages belong to Carl L. Justice, born in 1974.
28

AFFIDAVIT OF TFO HUBER- 2

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1 8. The second application is for a pen register/trap and trace, tracking warrant
2 and a search warrant to use a special investigative technique described in attachment "C"
3 hereto, all for a cellular telephone bearing phone number **(206) 899-9558** (hereafter
4 "Target Telephone 74" or "**TT74**"). Service to this phone is provided by T-Mobile.
5 Subscriber and other detailed information on this number is currently unknown. As
6 described below, I believe this number is currently being utilized by Carl Justice in
7 furtherance of the criminal activity described herein. The purpose of applying for this
8 warrant and other relief is to determine with precision **TT74**'s location.

9 9. Because collecting the information authorized by this warrant may fall
10 within the statutory definitions of a "pen register" or a "trap and trace device," see 18
11 U.S.C. § 3127(3) & (4), this warrant is designed to comply with the Pen Register Statute
12 as well as Rule 41. See 18 U.S.C. §§ 3121-3127. This warrant therefore includes all the
13 information required to be included in a pen register order. See 18 U.S.C. § 3123(b)(1).

14 10. Authority is requested to not only apply to the Target Telephone number,
15 but to any changed telephone number subsequently assigned to the telephone bearing the
16 IMSI or ESN/MEID number for the Target Telephone, or to any cellular telephone
17 bearing different IMSI or ESN/MEID number, but using the same telephone number
18 currently assigned to the Target Telephone.

19 11. As set forth below, there is probable cause to believe that Justice and others
20 are threatening and planning to retaliate against individuals who are suspected of
21 cooperating in a joint FBI/DEA/SPD investigation into a large-scale Drug Trafficking
22 Organization, which resulted in pending indictments in this District Court. Threats
23 against witnesses/confidential sources are a violation of Title 18, United States Code,
24 Section 1512. There is also probable cause to believe that evidence of those threats will
25 be found on these Facebook pages. The evidence to be seized is more particularly
26 described in attachment B hereto. There is also probable cause to believe that Carl
27 Justice is involved in drug trafficking activity in violation of Title 21, United States
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1 Code, Sections 841(a)(1) and 846, and firearms offenses in violation of Title 18, United
2 States Code, Sections 922(g) and/or 924(c), and that evidence of that criminal activity
3 will be found on said Facebook pages. Lastly, there is probable cause to believe that
4 tracking the Target Telephone will reveal evidence of those offenses.

5 12. The facts in this affidavit come from my personal observations, my training
6 and experience, and information obtained from other agents and witnesses. I have not
7 included every fact concerning this investigation. Rather, I have set forth the facts that I
8 believe are necessary for a fair determination of probable cause.

9 **SUMMARY OF PROBABLE CAUSE**

10 13. I am one of the case agents in the investigation of the Michael Morgan
11 Drug Trafficking Organization (DTO). The investigation has included the use of
12 informants, controlled buys of drugs, seizures of drugs, and ultimately a series of court-
13 authorized Title III wiretaps, and has culminated in pending federal charges against
14 dozens of individuals, spread out over a number of related charging documents,
15 including the cases pending under CR18-131RAJ and CR18-132RAJ.

16 14. Of note, many of the charged defendants are members or associates of two
17 related Black Gangster Disciple (BGD) sets, the "East Union Street Hustlers" and the
18 "Deuce-8s." Both of these street gangs originated in the Central District of Seattle.
19 During the wiretap, we intercepted numerous members and/or associates of these two
20 gangs, often discussing other members of the gang and violent incidents involving said
21 members of the gang.

22 15. On June 6th, 2018, investigators executed search warrants and arrest
23 warrants at dozens of locations throughout the Puget Sound region.

24 16. Since the June 6th takedown, numerous people¹ suspected of cooperating in
25 the larger investigation have been accused by others in the community of cooperating
26

27 ¹ The identity of many of the individuals reporting having received such threats are known to me, and I have
28 personally interviewed some about said threats. Their identity is omitted from this affidavit to protect them from
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1 with law enforcement. These accusations and threats have come in the form of social
2 media, text messages, e-mails, phone calls, and in person.

3 17. I have personally seen numerous social media posts referring to individuals
4 as “rats” or “snitches.” I have heard from numerous people in the community who have
5 either been accused and/or threatened by others for the perception or rumor they have
6 cooperated with law enforcement. I am also reliably informed that some of the charged
7 defendants have reported receiving threats. Those threats were reported by these
8 defendants’ defense counsel to the assigned Assistant United States Attorneys
9 prosecuting the linked cases.

10 18. On October 11th, 2018, a double homicide occurred in the Skyway
11 neighborhood of unincorporated King County. In that incident, Leonard Haywood and
12 Linice Walker were shot to death while sitting in Haywood’s parked car. The homicide
13 is still unsolved.

14 19. Haywood was a suspect in our investigation, but at the time of the murder
15 had not yet been indicted, much less arrested. The prevailing rumor is that Haywood
16 was murdered because people believed that because he had not yet been arrested, he was
17 cooperating with law enforcement. As an aside, the rumors are untrue – Haywood was
18 not cooperating with law enforcement, but rather was a target of the investigation.

19 20. These rumors have been reported during debriefs of defendants and/or
20 witnesses in the pending cases, and also to law enforcement officers investigating the
21 homicide. Some of the specific individuals reporting these rumors are known to me, and
22 I am omitting their names in this affidavit to avoid confirming their cooperation and to
23 protect them from further retaliation. These rumors are now so widespread as to have
24 attracted press coverage. *See, e.g.*, Q13 Fox, “Skyway shooting victims’ families call
25

26
27 further retaliation and threats – obviously, spelling out the identity of the individuals who have directly or indirectly
28 communicated these threats will tend to confirm that they are prepared to cooperate with, or at least speak to, law
enforcement.

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1 for justice: ‘We want answers. We deserve answers,’ aired March 13, 2019.²

2 Significantly, one of the victim’s family members felt it quite important for the public to
3 know that the victim was “not a snitch” and “was not wired.”

4 21. All of these threats, accusations, and the belief that Haywood was murdered
5 for cooperating have severely hampered our investigation. The belief among many
6 people in the community is that if they talk to the police, they risk being killed.

7 22. Investigators have identified several people involved in these threats and
8 accusations, which again are being made against others for the belief they have
9 cooperated or are cooperating with law enforcement.

10 23. One of these individuals is **Carl L. Justice** (hereafter, Justice), born in
11 1974. Justice is a self-admitted Deuce 8 Black Gangster Disciple gang member. Justice
12 is also known as “C-Daze.” Justice is a convicted federal felon, having been prosecuted
13 in this Court under CR06-67MJP.

14 24. Like Justice, a number of the individuals already charged in the case are
15 either Black Gangster Disciples or affiliated with them. Justice is a close friend of
16 Charles Cheatham, who has already been charged in the case. Cheatham is also a known
17 BGD gang member, who was known as “Da Mayor.” During the wiretap, Cheatham
18 was referred to by this moniker in intercepted calls. For example, in a November 3,
19 2017 call that Cheatham placed to order marijuana (TT15, Session 56), the supply
20 source complained that he had been “jumped in the club” and wanted to know where
21 Cheatham was to save him because he was the “mayor.” Cheatham asked what the
22 problem was, and the source said his “boy” had some “beef” with some guys from
23 “Union Street” (one of the BGD sets) and he got punched in the face when he was not
24 looking. The call suggests that Cheatham was a gang leader who had the power to call
25 off a fellow Union Street BGD gang member.

26
27 ² <https://q13fox.com/2019/03/13/skyway-shooting-victims-families-call-for-justice-we-want-answers-we-deserve-answers/>
28

1 25. The investigation also disclosed that Cheatham associates with other
2 confirmed gang members. Many of his indicted co-conspirators and redistributors are
3 confirmed members of the gang. Cheatham is also featured in at least one rap video
4 made by other co-conspirators and confirmed gang members. In the YouTube video
5 “MostMobb – “SORRY FOR YOU ft. Mafi D,” Michael D. Safford can be seen
6 rapping about drug trafficking and firearms. During the video, other individuals (many
7 known to law enforcement as confirmed BGD gang members) display firearms.
8 Cheatham appears in the video wearing a necklace with the words “Da Mayor.”

9 26. As mentioned above, individuals who are not actual Cooperating Sources
10 (CSs) have been threatened based on the mere suspicion that they might be cooperating.
11 For example, one defendant,³ a self-admitted associate of one of the BGD sets described
12 above, has reportedly received threats for his/her suspected cooperation. This defendant
13 reported through his/her defense counsel in early to mid-March, 2019, that he/she had
14 heard that Justice and another man named Alexander Green were looking for the
15 defendant and were armed.

16 27. It is unclear to me exactly how this defendant heard this information.
17 However, subsequent events tend to corroborate the defendant’s account. Green was
18 arrested in possession of a firearm not long after the defendant referenced above passed
19 on the threat allegation.

20 28. Like Justice, Green is well known to both state and federal law
21 enforcement. Green is also a Deuce 8 BGD member. He is also a convicted federal
22 felon, and is currently on active federal supervision under Western District of
23 Washington case number CR16-224JLR.
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27 ³ Again, the identity of this person is known to me, but their name is not disclosed herein due to security concerns. I
28 have not personally interviewed this reporting person – rather, their complaint was passed on via their defense
counsel to the assigned AUSAs, and then to myself and other investigators.

1 29. Green was arrested on March 24, 2019 by Seattle Police Department (SPD)
2 officers. Green was contacted by SPD because he was driving a vehicle that had been
3 reported stolen. During the course of contacting Green, the officers saw him moving
4 around inside the vehicle and appearing to discard something behind the back of the
5 front passenger seat. As officers moved up to the vehicle to secure it, they observed, in
6 plain view, a black handgun on the right-side rear floorboard, behind the front passenger
7 seat. The weapon, a Glock semiautomatic pistol, was later determined to have been
8 reported stolen. Green was arrested for possession of a stolen vehicle and felon in
9 possession of a firearm, and is pending trial in the King County Superior Court. He also
10 has pending federal supervised release violations. Green is currently detained at the
11 King County Jail. Like all detainees, his phone calls are monitored and recorded, and
12 investigators have access to those recordings.

13 30. On March 25, 2019, Green called Jannie Lee from King County Jail (KCJ)
14 and directed Lee to come to KCJ and get his two cell phones out of his property at the
15 jail. Green told Lee in a worried tone to get down there immediately and get his phones,
16 leading investigators to believe there was evidence related to the criminal activity and
17 threats in his phones at KCJ.

18 31. Investigators went to KCJ later in the day to attempt to retrieve the two cell
19 phones from Green's property. KCJ records showed that Lee arrived before
20 investigators and the two cell phones were released to her.

21 32. On March 26, 2019, Green called Lee from KCJ. Green immediately asked
22 Lee if she came and got the property. Lee told Green she got his phones, identification
23 and key.

24 33. Investigators continued to monitor calls made by Green at KCJ. The calls
25 revealed that Green was living with Lee prior to his arrest and that she moved to the East
26 Union Street Apartments, at 2220 East Union Street, Apartment 517, Seattle around
27 April 6, 2019.

1 34. During numerous calls with Lee, Green instructed Lee to access his phones
2 and get him phone numbers of his associates. Green also directed Lee to call and text
3 people from his phones while at the apartment. Green discussed recent shooting events
4 and gang activity with Lee and other associates on three way calls and on his phones
5 through her.

6 35. A different Cooperating Source (CS) has been a recipient of a number of
7 the threats and accusations from Justice. The CS became a confidential source after
8 being arrested for drug charges. The CS cooperated with law enforcement and was not
9 charged. The CS has since worked as a paid informant. The CS has provided reliable
10 and credible information, which has been corroborated, both during other investigations
11 and during this investigation. The CS has felony convictions for possession of a firearm,
12 possession of a controlled substance, and residential burglary. The CS also has gross
13 misdemeanor or misdemeanor convictions for assault, false reporting an emergency,
14 driving offenses, and identity theft.

15 36. The CS showed me a screen shot photograph of a Facebook page belonging
16 to the name "Carlo Charge". The screen shot was sent to the CS on April 27th, 2019.
17 The CS is in fear for his/her safety and does not want to say who sent the screenshot to
18 him/her.

19 37. The CS told me this particular Facebook page belongs to Justice. The
20 profile picture is of Justice, which obviously tends to corroborate the CS's statement.
21 There are also numerous other pictures on the page of Justice. The screenshot shows a
22 post by "Carlo Charge" saying, "SEA EYE #2 XXXXX⁴
23 IZZZZZZARAT...UNCOVERED FACTS." The CS and investigators believe "SEA
24 EYE" refers to CI or confidential informant. The CS and investigators believe #2 is
25 referring to CS2 in the wiretap pleadings. The CS and investigators believe
26
27

28 ⁴ The post spells out the CS's name. It is redacted here to protect the CS's identity.
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1 IZZZZZZARAT is a reference to CS2 being a "rat" or "snitch". In street terminology
2 this is a derogatory word commonly used for people who cooperate with law
3 enforcement.

4 38. The fact that Justice is referring to the Confidential Source as "SEA EYE
5 #2" (CS2), the same way that he/she is referred to in the wiretap pleadings, is a
6 significant concern. It is my understanding that those wiretap pleadings are sealed, and
7 they were produced to defense counsel in this matter pursuant to a protective order that
8 restricts their circulation to those with a specific need to know in the case. Justice is not
9 authorized to review or possess the wiretap pleadings (or, for that matter, any other
10 discovery produced in the case). The fact that he refers to this individual as CS2
11 indicates that he potentially received this information from a charged defendant.

12 39. The CS told me he/she has heard through street rumors, social media, and
13 friends that Justice is saying he and/or other gang members will kill the CS on sight
14 based on the belief he/she has cooperated with law enforcement.

15 40. The CS also told me that Justice also belongs to a different private group on
16 Facebook in which Justice makes threats towards the CS. The CS believes this post
17 listed above is from this private group. At the bottom of the screen shot, "Carlo
18 Charles" is listed as the administrator. The CS told me this is another Facebook page
19 for Justice. There are also numerous pictures of Justice on this other page. In short,
20 Justice has two Facebook pages and uses both to make these posts.

21 41. Because of these threats, the CS is extremely afraid for his/her safety and is
22 in hiding. The CS rarely leaves his/her residence for fear of being shot and/or killed.

23 42. In late April, 2019, Green started coordinating a one year anniversary party
24 celebrating the life of *Charles* Justice (a relative to Carl Justice), another BGD
25 member/associate, to take place on May 5, 2019. Charles Justice was murdered in the
26 Seattle area one year prior. Green and Charles Justice were very good friends. During
27
28

1 the calls, Green specifically identified the location of the party as his apartment in the
2 East Union Street Apartments, apartment 517, of that building.

3 43. On April 29, 2019, at approximately 1:20 p.m., Green called Lee and
4 directed her to make a 3-way call to "C-Daze" (Carl Justice's known nickname/moniker)
5 and provided the number of **(206) 899-9558 (TT74)**. Lee attempted the call and there
6 was no answer.

7 44. Investigators conducted a search of (206) 899-9558 on zetx.com, an
8 internet site used to identify the carrier of the number and possible subscriber
9 information. Investigators verified through zetx.com that the carrier was is T-Mobile
10 number and the possible subscriber is listed as Carl Justice.

11 45. At approximately 3:57 p.m., Green called Lee again. Lee told Green that
12 Justice called her and wanted to talk with Green. About three minutes into the call, Lee
13 makes a 3-way call to Justice to allow Green to talk with Justice. Green directed Lee to
14 call Justice again. Green told Justice about the party for Charles Justice at his apartment
15 the next Sunday, May 5. Green described the exact location for the party, including the
16 apartment number.

17 46. Green and Justice went on to discuss gambling on street dice games and
18 trying to stay away from certain areas due to recent shootings near the dice games.
19 Justice and Green talked about the younger generation not paying attention. They
20 complained that people weren't acting as good lookouts and keeping guns close when
21 they were gambling or involved in other activities. They continued to talk about the
22 other people not being ready in case someone shoots, and that if no one had a gun close
23 enough it would be too late to shoot back. Green specifically said "And then we losing a
24 motherf***** ...and now we paying for tee shirts and funerals."

25 47. On May 5, 2019, investigators conducted surveillance at Green and Lee's
26 apartment building. During the surveillance period, many known Union Street gang
27 members and associates arrived at the apartment to attend the party. One of the people
28

1 that attended the party was Justice. Pressley also attended the party and is an associate
2 of Green and Justice.

3 48. On May 10, 2019, three people were shot within a couple of blocks of
4 Green and Lee's apartment building. One of the victims died as a result of his injuries.
5 Green called Lee later that day. During that call, Lee told Green that she heard a rumor
6 that it was a group of rival gang members that shot the three victims.

7 49. Later that same day, investigators applied for, and the Honorable Brian A.
8 Tsuchida, Chief United States Magistrate Judge for the Western District of Washington,
9 signed, search warrants for Demarco Pressley, his apartment and his vehicles. Those
10 warrants bear Case No. MJ19-202. On May 13, 2019, investigators also obtained state
11 search warrants for Pressley, his apartment and his vehicles in a related investigation.
12 Pressley is a suspect in two prior shooting incidents on March 17 and May 3, 2019, as
13 discussed in the prior affidavit.

14 50. On May 15, 2019, at approximately 6:00 a.m., investigators executed said
15 federal and state search warrants on Pressley, his apartment and his vehicles.
16 Investigators located Pressley in his apartment in his bed. He had two handguns in bed
17 with him. One of the firearms was a .380 caliber pistol and the other was a .38 caliber
18 revolver. The former firearm was identified as the same firearm used in the March 17
19 shooting incident where Pressley shot himself.

20 51. Investigators also located specific clothing and jewelry items that Pressley
21 was seen on video wearing during the above- mentioned March 17 and May 3, 2019,
22 shootings. Investigators did not locate the firearm used in the May 3, 2019, shooting.
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1 52. Pressley was arrested on state charges of Assault in the First Degree for the
2 May 3, 2019, shooting at 23rd Avenue and Cherry Street. Pressley was advised of his
3 Miranda rights and transported to the Seattle Police Department Headquarters.⁵

4 53. Post-arrest, while investigators were looking at the key ring for Pressley's
5 vehicle, investigators saw that there was a newer door key with the label "517" on it.
6 Based on surveillance of Pressley in the days following the May 3, 2019, shooting,
7 combined with the labeled key he had for the apartment, investigators believed the key
8 was to Green and Lee's apartment (517) at the East Union Street Apartment building,
9 and that Pressley had access to come and go from that apartment.

10 54. Investigators then contacted the manager of the East Union Street
11 Apartment building. Management confirmed that the key on Pressley's keychain
12 matched apartment 517 in that building.

13 55. During that same time period, Green call Lee and had her make a 3-way
14 call to "GZ", later identified as Jeffrey Harris. Harris told Green he was worried
15 because of the law enforcement action taking place. Green told Harris to bring his stuff
16 over to Green and Lee's apartment if he needed to.

17 56. Based on the investigation into Green and Pressley, investigators obtained a
18 federal search warrant for Green and Lee's apartment. While investigators were
19 awaiting the arrival of the tactical team, investigators saw Lee and a male, later
20 identified as Jeffrey Harris, arrive at the apartment. Harris carried a large bag into the
21 building.

22 57. Investigators served the search warrant on the apartment. Harris and Lee
23 were contacted in the apartment. Investigators opened the bag Harris carried into the
24
25
26

27 ⁵ Pressley has also been charged by complaint in this Court for Felon in Possession of a Firearm, under MJ19-244.
28 He has been detained since his arrest at the KCJ and not made an appearance in this Courthouse as of yet on that complaint.

1 building and found it contained several firearms (two Ak-47 rifles, an AR-15 rifle and a
2 pistol).

3 58. It appears that Justice is still using the "Carlo Charge" Facebook account.
4 In a recent post Justice indicates he is also armed. I have reviewed a screen shot from
5 this account that was posted on or about May 28, 2019. In that post, "Carlo Charge"
6 (Justice) posted "FUCK SPRANGIN A ANLKE . . HAVE YOU EVER HAD TO STEP
7 ON A 38 CAUSE THE UNITS YANKED U . . AN YOU STILL FLAV UMM."

8 Interpreting this post, I believe Justice is stating that he had to drop and step on a .38
9 caliber handgun because he had been pulled over by a marked police patrol car around
10 that date. As noted above, Justice is a convicted federal felon, and any possession of a
11 firearm is therefore a violation of 18 U.S.C. § 922(g).

12 59. Significantly, an "Edward Locke" posted in response "N***a was that you
13 guys pulled over by the Interurban exit." A man with the same name is a charged
14 defendant in the larger case and is out on bond.

15 60. It also appears that Justice is engaged in other types of criminal activity,
16 specifically drug trafficking. For example, on June 1, 2019, investigators conducted
17 surveillance in the area of 23rd Avenue South and South Jackson Street due to recent
18 shootings in the area and open drug trafficking. Investigators saw, via video
19 surveillance, Justice pull what appeared to a bag of crack cocaine from inside his
20 waistband and make an exchange with someone. After the exchange, they separated and
21 went different directions.

22 61. On June 5, 2019, investigators were again conducting surveillance at the
23 same location and saw Justice, via video surveillance, make two similar hand-to-hand
24 exchanges. Based on training experience, investigators believed Justice was selling
25 crack cocaine to people in the parking lot under surveillance.

26 62. Based on my training and experience, I know that gang members often use
27 social media as a means of communication. I also know that gang members will also

1 use "private" groups on social media to discuss things criminal in nature. These posts
2 will remain on these social media sites for a considerable period of time and this
3 evidence can be recovered by a thorough forensic examination of these particular social
4 media sites.

5 **ADDITIONAL KNOWLEDGE BASED ON TRAINING AND EXPERIENCE**

6 63. Based upon my training and experience, and my discussions with other
7 experienced officers and agents involved in this investigation and other investigations, I
8 know the following:

9 a. Gang members involved in criminal activities, and those who assist
10 them, maintain and tend to retain accounts or records of their activities, including
11 telephone records with contact names and numbers, other contact information (including
12 social media accounts) photographs, and similar records of evidentiary value.

13 b. Gang members involved in criminal activities commonly maintain
14 records reflecting names or nicknames, addresses, and/or telephone numbers of their
15 associates. Gang members often maintain social media sites for ready access to their
16 associates and to maintain and coordinate their ongoing criminal activities.

17 c. Gang members involved in criminal activities sometimes take or
18 cause to be taken photographs and/or video recordings of themselves, their associates,
19 and their property. Those photographs are typically taken using cellular telephones.
20 These individuals often post these photographs and recordings on their social media sites.

21 64. I also know that drug traffickers use cellular telephones as tools of their
22 trade. Traffickers use cellular telephones (often, multiple phones) to communicate with
23 drug customers, suppliers and co-conspirators via voice call, text messaging, and other
24 internet messaging apps. As a result, they tend to keep their cell phones close by.
25 Obtaining real-time call data via a pen register/trap and trace can generate valuable
26 intelligence about their criminal network, and obtaining real-time precision geolocation
27
28

1 data can assist in identifying the members of their network, the locations used to store
2 contraband, and other valuable evidence.

3 65. As noted above, gang members involved in criminal activities use cellular
4 telephones and social media as a tool or instrumentality in committing their criminal
5 activity. They use social media sites to maintain contact with their associates. They
6 prefer to use social media because they believe their criminal discussions are private and
7 cannot be monitored by law enforcement. Access to these social media sites are typically
8 by cellular telephone. Since the use of social media has become widespread, virtually
9 every gang member I have contacted has used one or more social media sites for his or
10 her criminal activities. Based on my training and experience, the information maintained
11 in a social media site used by a gang member involved in criminal activities is evidence
12 of a crime or crimes.

13 INFORMATION ABOUT FACEBOOK

14 66. Facebook owns and operates a free-access social networking website of the
15 same name that can be accessed at <http://www.facebook.com>. Facebook allows its users
16 to establish accounts with Facebook, and users can then use their accounts to share
17 written news, photographs, videos, and other information with other Facebook users, and
18 sometimes with the general public.

19 67. Facebook asks users to provide basic contact and personal identifying
20 information to Facebook, either during the registration process or thereafter. This
21 information may include the user's full name, birth date, gender, contact e-mail
22 addresses, Facebook passwords, Facebook security questions and answers (for password
23 retrieval), physical address (including city, state, and zip code), telephone numbers,
24 screen names, websites, and other personal identifiers. Facebook also assigns a user
25 identification number to each account.

26 68. Facebook users may join one or more groups or networks to connect and
27 interact with other users who are members of the same group or network. Facebook
28

1 assigns a group identification number to each group. A Facebook user can also connect
2 directly with individual Facebook users by sending each user a "Friend Request." If the
3 recipient of a "Friend Request" accepts the request, then the two users will become
4 "Friends" for purposes of Facebook and can exchange communications or view
5 information about each other. Each Facebook user's account includes a list of that
6 user's "Friends" and a "News Feed," which highlights information about the user's
7 "Friends," such as profile changes, upcoming events, and birthdays.

8 69. Facebook users can select different levels of privacy for the
9 communications and information associated with their Facebook accounts. By adjusting
10 these privacy settings, a Facebook user can make information available only to himself
11 or herself, to particular Facebook users, or to anyone with access to the Internet,
12 including people who are not Facebook users. A Facebook user can also create "lists" of
13 Facebook friends to facilitate the application of these privacy settings. Facebook
14 accounts also include other account settings that users can adjust to control, for example,
15 the types of notifications they receive from Facebook.

16 70. Facebook users can create profiles that include photographs, lists of
17 personal interests, and other information. Facebook users can also post "status" updates
18 about their whereabouts and actions, as well as links to videos, photographs, articles, and
19 other items available elsewhere on the Internet. Facebook users can also post
20 information about upcoming "events," such as social occasions, by listing the event's
21 time, location, host, and guest list. In addition, Facebook users can "check in" to
22 particular locations or add their geographic locations to their Facebook posts, thereby
23 revealing their geographic locations at particular dates and times. A particular user's
24 profile page also includes a "Wall," which is a space where the user and his or her
25 "Friends" can post messages, attachments, and links that will typically be visible to
26 anyone who can view the user's profile (subject to the privacy settings selected by the
27 account user).

1 71. Facebook allows users to upload photos and videos. It also provides users
2 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
3 tagged in a photo or video, he or she receives a notification of the tag and a link to see
4 the photo or video. For Facebook’s purposes, the photos and videos associated with a
5 user’s account will include all photos and videos uploaded by that user that have not
6 been deleted, as well as all photos and videos uploaded by any user that have that user
7 tagged in them.

8 72. Facebook users can exchange private messages on Facebook with other
9 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
10 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
11 as other information. Facebook users can also post comments on the Facebook profiles
12 of other users or on their own profiles; such comments are typically associated with a
13 specific posting or item on the profile. In addition, Facebook has a Chat feature that
14 allows users to send and receive instant messages through Facebook. These chat
15 communications are stored in the chat history for the account. Facebook also has a
16 Video Calling feature, and although Facebook does not record the calls themselves, it
17 does keep records of the date of each call.

18 73. If a Facebook user does not want to interact with another user on Facebook,
19 the first user can “block” the second user from seeing his or her account.

20 74. Facebook has a “like” feature that allows users to give positive feedback or
21 connect to particular pages. Facebook users can “like” Facebook posts or updates, as
22 well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook
23 users can also become “fans” of particular Facebook pages.

24 75. Facebook has a search function that enables its users to search Facebook for
25 keywords, usernames, or pages, among other things.

26 76. Each Facebook account has an activity log, which is a list of the user’s
27 posts and other Facebook activities from the inception of the account to the present. The
28

1 activity log includes stories and photos that the user has been tagged in, as well as
2 connections made through the account, such as "liking" a Facebook page or adding
3 someone as a friend. The activity log is visible to the user but cannot be viewed by
4 people who visit the user's Facebook page.

5 77. Facebook Notes is a blogging feature available to Facebook users, and it
6 enables users to write and post notes or personal web logs ("blogs"), or to import their
7 blogs from other services, such as Xanga, LiveJournal, and Blogger.

8 78. The Facebook Gifts feature allows users to send virtual "gifts" to their
9 friends that appear as icons on the recipient's profile page. Gifts cost money to purchase,
10 and a personalized message can be attached to each gift. Facebook users can also send
11 each other "pokes," which are free and simply result in a notification to the recipient that
12 he or she has been "poked" by the sender.

13 79. Facebook also has a Marketplace feature, which allows users to post free
14 classified ads. Users can post items for sale, housing, jobs, and other items on the
15 Marketplace.

16 80. In addition to the applications described above, Facebook also provides its
17 users with access to thousands of other applications on the Facebook platform. When a
18 Facebook user accesses or uses one of these applications, an update about that the user's
19 access or use of that application may appear on the user's profile page.

20 81. Some Facebook pages are affiliated with groups of users, rather than one
21 individual user. Membership in the group is monitored and regulated by the
22 administrator or head of the group, who can invite new members and reject or accept
23 requests by users to enter. Facebook can identify all users who are currently registered
24 to a particular group and can identify the administrator and/or creator of the group.
25 Facebook uses the term "Group Contact Info" to describe the contact information for the
26 group's creator and/or administrator, as well as a PDF of the current status of the group
27 profile page.

1 82. Facebook uses the term “Neoprint” to describe an expanded view of a given
2 user profile. The “Neoprint” for a given user can include the following information
3 from the user’s profile: profile contact information; News Feed information; status
4 updates; links to videos, photographs, articles, and other items; Notes; Wall postings;
5 friend lists, including the friends’ Facebook user identification numbers; groups and
6 networks of which the user is a member, including the groups’ Facebook group
7 identification numbers; future and past event postings; rejected “Friend” requests;
8 comments; gifts; pokes; tags; and information about the user’s access and use of
9 Facebook applications.

10 83. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP
11 address. These logs may contain information about the actions taken by the user ID or
12 IP address on Facebook, including information about the type of action, the date and
13 time of the action, and the user ID and IP address associated with the action. For
14 example, if a user views a Facebook profile, that user’s IP log would reflect the fact that
15 the user viewed the profile, and would show when and from what IP address the user did
16 so.

17 84. Social networking providers like Facebook typically retain additional
18 information about their users’ accounts, such as information about the length of service
19 (including start date), the types of service utilized, and the means and source of any
20 payments associated with the service (including any credit card or bank account
21 number). In some cases, Facebook users may communicate directly with Facebook
22 about issues relating to their accounts, such as technical problems, billing inquiries, or
23 complaints from other users. Social networking providers like Facebook typically retain
24 records about such communications, including records of contacts between the user and
25 the provider’s support services, as well as records of any actions taken by the provider or
26 user as a result of the communications.

1 85. Therefore, the computers of Facebook are likely to contain all the material
2 described above, including stored electronic communications and information
3 concerning subscribers and their use of Facebook, such as account access information,
4 transaction information, and other account information.

5 86. The FBI has previously sent a preservation letter to Facebook, and asked
6 that the contents of the accounts identified above be preserved, under authority of Title
7 18, United States Code, Section 2703(f)(1), for a period of 90 days.

8 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**
9 **FROM FACEBOOK**

10 87. I anticipate executing this warrant under the Electronic Communications
11 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
12 using the warrant to require Facebook to disclose to the government copies of the
13 records and other information (including the content of communications) particularly
14 described in Section I of Attachment B. Upon receipt of the information described in
15 Section I of Attachment B, government-authorized persons will review that information
16 to locate the items described in Section II of Attachment B.

17 **MANNER AND MEANS OF EXECUTION OF SPECIAL INVESTIGATIVE**
18 **TECHNIQUE AS TO THE TARGET TELEPHONE**

19 88. In my training and experience, I have learned that cellular phones and other
20 cellular devices communicate wirelessly across a network of cellular infrastructure,
21 including towers that route and connect individual communications. When sending or
22 receiving a communication, a cellular device broadcasts certain signals to the cellular
23 tower that is routing its communication. These signals include a cellular device's unique
24 identifiers.

25 89. To facilitate execution of this warrant, law enforcement may use an
26 investigative device or devices capable of broadcasting signals that will be received by
27 the Target Cellular Device or receiving signals from nearby cellular devices, including
28

1 the Target Cellular Device. Such a device may function in some respects like a cellular
2 tower, except that it will not be connected to the cellular network and cannot be used by
3 a cell phone to communicate with others. The device may send a signal to the Target
4 Cellular Device and thereby prompt it to send signals that include the unique identifier
5 of the device. Law enforcement may monitor the signals broadcast by the Target
6 Cellular Device and use that information to determine the Target Cellular Device's
7 location, even if it is located inside a house, apartment, or other building.

8 90. The investigative device may interrupt cellular service of phones or other
9 cellular devices within its immediate vicinity. Any service disruption to non-target
10 devices will be brief and temporary, and all operations will attempt to limit the
11 interference with such devices. In order to connect with the Target Cellular Device, the
12 device may briefly exchange signals with all phones or other cellular devices in its
13 vicinity. These signals may include cell phone identifiers. The device will not complete
14 a connection with cellular devices determined not to be the Target Cellular Device, and
15 law enforcement will limit collection of information from devices other than the Target
16 Cellular Device. To the extent that any information from a cellular device other than the
17 Target Cellular Device is collected by the law enforcement device, law enforcement will
18 delete that information, and law enforcement will make no investigative use of it absent
19 further order of the court, other than distinguishing the Target Cellular Device from all
20 other cellular devices.

21 AUTHORIZATION REQUEST

22 91. Based on the foregoing, I request that the Court issue the proposed search
23 warrant, pursuant to Federal Rule of Criminal Procedure 41. The proposed warrant also
24 will function as a pen register order under 18 U.S.C. § 3123.

25 92. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of
26 Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to
27 delay notice until September 12, 2019, with leave to ask for further delay. This precise
28

1 date is asked for as this is the delayed notice deadline for the previously-issued tracking
2 warrant for this same Target Telephone. This delay is justified because there is
3 reasonable cause to believe that providing immediate notification of the warrant may
4 have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to
5 the subscriber or user of the Target Cellular Device would seriously jeopardize the
6 ongoing investigation, as such a disclosure would give that person an opportunity to
7 destroy evidence, change patterns of behavior, notify confederates, and flee from
8 prosecution. See 18 U.S.C. § 3103a(b)(1). There is reasonable necessity for the use of
9 the technique described above, for the reasons set forth above. See 18 U.S.C. §
10 3103a(b)(2).

11 93. I further request that the Court authorize execution of the warrant at any
12 time of day or night, owing to the potential need to locate the Target Cellular Device
13 outside of daytime hours.

14 **REQUEST FOR NON-DISCLOSURE AND SEALING**

15 94. The government requests, pursuant to the preclusion of notice provisions of
16 Title 18, United States Code, Section 2705(b), that Facebook be ordered not to notify
17 any person (including the subscriber or customer to which the materials relate) of the
18 existence of this warrant for such period as the Court deems appropriate. The
19 government submits that such an order is justified because notification of the existence
20 of this Order would seriously jeopardize the ongoing investigation. Such a disclosure
21 would give the subscriber an opportunity to further obstruct justice by threatening or
22 harming the victims of the threat activity identified to date, to otherwise destroy
23 evidence, change patterns of behavior, notify confederates, or flee from prosecution.

24 95. It is further respectfully requested that this Court issue an order sealing,
25 until further order of the Court, all papers submitted in support of this application,
26 including the applications and search warrants. I believe that sealing this document is
27 necessary because it discusses threats against actual and suspected confidential sources.

28 AFFIDAVIT OF TFO HUBER- 23

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE
5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

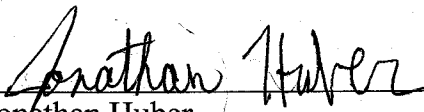
1 Prematurely disclosing who has shared the existence of these threats to those suspected
2 of making said threats will reveal who is prepared to share information with law
3 enforcement. That will, in turn, more than likely result in further threats and/or actual
4 retaliation against those victims. In addition, I anticipate seeking further warrants for
5 other Facebook accounts that may be linked to the accounts that are the subject of this
6 warrant, as well as other investigative steps. Premature disclosure of the contents of
7 this affidavit and related documents may have a significant and negative impact on the
8 continuing investigation and may severely jeopardize its effectiveness.

9 CONCLUSION

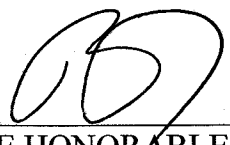
10 96. Based on the foregoing, I respectfully submit there is probable cause to
11 believe the subject Facebook accounts contain the evidence of criminal activity
12 described herein. Accordingly, I also believe there is probable cause for this Court to
13 issue the proposed search warrants for Facebook. This Court has jurisdiction to issue the
14 requested warrant because it is "a court of competent jurisdiction" as defined by 18
15 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is
16 "a district court of the United States . . . that – has jurisdiction over the offense being
17 investigated." 18 U.S.C. § 2711(3)(A)(i).

18 97. Based on the foregoing, I also respectfully submit there is probable cause to
19 believe that the Target Telephone is being used in furtherance of narcotics trafficking
20 and/or weapons violations, and that the information sought herein will materially aid the
21 investigation. I further believe that information concerning the aforementioned offenses
22 will be obtained by using the investigative technique to more precisely track the Target
23 Telephone, as it will assist agents in identifying Justice's movements, the identities of
24 their associates, locating targets and storage locations, understanding connections
25 between already known people and places involved in the conspiracy, and assisting in
26 identifying currently unidentified targets.

1 98. As to the Facebook search warrant, pursuant to 18 U.S.C. § 2703(g), the
2 presence of a law enforcement officer is not required for the service or execution of this
3 warrant. Accordingly, by this Affidavit and Warrant I seek authority for the government
4 to search all of the items specified in Section I, Attachment B (attached hereto and
5 incorporated by reference herein) to the Warrant, and specifically to seize all of the data,
6 documents and records that are identified in Section II to that same Attachment.

7
8
9 
10 Jonathan Huber
11 Task Force Officer
12 Federal Bureau of Investigation

13
14 SUBSCRIBED AND SWORN before me this 7 day of June, 2019.

15
16 
17 THE HONORABLE BRIAN A. TSUCHIDA
18 United States Magistrate Judge
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